

REMARKS

Introduction

Claims 1 - 19 were originally pending in this application. Claims 1 - 19 have been rejected. Claims 1 and 6 have been amended. Claims 4 and 5 have been cancelled. Thus, claims 1 – 3 and 6 – 19 remain pending for consideration in the application. No new matter has been added.

Drawing Objection

The drawings have been objected to because they allegedly do not show every feature of the invention specified in the claims. In particular, the limitation “biasing member” specified in claim 4 and the limitation “spring-biased dowel” specified in each of claims 5 - 8 allegedly are not shown in the drawings. However, Figure 6 clearly shows the “biasing member 74,” in general, and the “spring-biased dowel 74,” in particular. The “spring-biased dowel 74” extends substantially beyond at least one transverse edge 48 and, preferably, both transverse edges 52 of the body 46. Support for reference numeral “74” referring to the “biasing member” and “spring-biased dowel” is found in the description of the preferred embodiment of the invention in Paragraphs 37 and 38, respectively, of the application. As such, the drawings show every feature of the invention specified in the claims.

Claim Rejections

35 U.S.C. §103(a)

Claims 1 – 3, 9 - 12, 15, 17, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hansen ‘586 patent. More specifically, the Examiner stated that the structure of the Hansen device can both be cantilevered-supported and supported by a leg structure as a

structure is entitled to all of its uses. The examiner also has given judicial notice that use of clips and a recess for structures in trays is well-known and commercially used.

Furthermore, claims 4 – 8 and 13 - 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hansen ‘586 patent as applied to the claims above and further in view of the Weiss ‘102 patent. More specifically, the Examiner stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Hansen to include a spring-biased dowel mount as taught by Weiss since such a structure is a conventional alternative structure used for the same intended purpose, thereby providing structure as claimed.

In addition, claim 16 rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hansen ‘586 patent as applied to the claims above and further in view of the Sammons ‘202 patent. More specifically, the Examiner stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the invention of Hansen to include a peripheral edge as taught by Sammons since such a structure is a conventional structure used for the same intended purpose, thereby providing structure as claimed.

Independent claim 1 has been amended to include the limitations formerly set forth in claims 4 and 5. Claims 4 and 5 have been cancelled. In view of this amendment, the applicants cannot agree that the invention defined in amended claim 1 would have been obvious over the Hansen ‘586 patent in view of the Weiss ‘102 patent. Claim 6 has been amended to change the claim number from which it depends. Each of claims 2 – 3 and 6 - 19 is ultimately dependent upon independent claim 1. Accordingly, these rejections are respectfully traversed.

The Prior Art

The Hansen '586 Patent

The Hansen '586 patent discloses a portable desk 10 for hanging from the rear portion 56 of a seat back 54. The desk 10 includes a table board 12 having substantially planar upper and lower surfaces 14, 16, a top portion 22, and a bottom portion 24. Each of a pair of mounting brackets 28, 30 has a mounting portion 32, 36 securable to the lower surface 16 of the table board 12 and an attachment portion 34, 38 extending beyond the top portion 22 of the table board 12. The attachment portion 34, 38 includes a connection member 40, 42 for releasable attachment to a top 58 of the seat back 54. Support members 46, 48 extend from the lower surface 16 of the table board 12 for bracing the table board 12 against the rear portion 56 of the seat back 54 to define an operational angle of the desk 10 relative to the seat back 54. Finally, a support ledge 26 is disposed along the upper surface 14 of the table board 12 near the bottom portion 24 to provide a brace for materials placed on the upper surface 14 of the table board 12 during use of the desk 10.

However, the Hansen '586 patent does not disclose or suggest a portable tray for a vehicle interior including a body and a support mechanism. The support mechanism includes a spring-biased dowel adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle and apply a retaining force in opposite directions with respect to the disposition of the spring-biased dowel and against the respective structural components such that the body is operatively supported to the interior of the vehicle in cantilevered and stationary fashion.

The Weiss '102 Patent

The Weiss '102 patent discloses a utility board 10 with a holder 20 for general use by an occupant of an automobile and adapted to be slidably mounted in underlying relation to a dashboard D of the automobile. More specifically, the holder 20 is secured in underlying relation to a horizontal floor panel 9 of the dashboard D by bolts and to a rear panel 7 of the automobile by screws or thread-forming fasteners 26. The utility board 10 is adapted to be inserted and fit within the holder 20, and the underside of the utility board 10 provided with a finger recess 12 for extending the utility board 10 from within the holder 20.

To prevent the utility board 10 from sliding out of the holder 20 when, say, the automobile is climbing a hill, a pair of detent mechanisms are employed to positively hold the utility board 10 in a retracted position, but permit extension of the utility board 10. A ball 37 of the detent mechanism presses against the corresponding side edge of the utility board 10 when it is extended and imposes a frictional resistance on the utility board 10 to retain it in the position to which it is extended.

However, the Weiss'102 patent does not disclose or suggest a portable tray for a vehicle interior including a body adapted to be operatively supported to the interior of the vehicle and a support mechanism connected to the body and adapted to removably support the body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. The support mechanism includes a spring-biased dowel adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle and apply a retaining force against the respective structural components such that the body is operatively supported to the interior of the vehicle in cantilevered and stationary fashion.

The Sammons '202 Patent

The Sammons '202 patent discloses a serving tray adapted to be secured to a dashboard of an automobile and swung outwardly when it is desired to use the tray and about a pivot to be positioned behind or forwardly of the dashboard when the tray is not in use. The tray includes a body portion 1 formed with an upstanding flange 2 surrounding the body portion 1. A pair of spaced combined-bearing-and-hinge members 3, 4 are integrally formed with the body portion 1 and located on one side and adjacent opposite ends of the tray. Locking means are formed in the combined-bearing-and-hinge member 3, 4 for supporting the tray in an extended position when the tray is in use and for locking the tray in a retracted or hidden position when the tray is not in use.

However, the Sammons '202 patent does not disclose or suggest a portable tray for a vehicle interior including a support mechanism adapted to removably support a body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. The support mechanism includes a spring-biased dowel adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle and apply a retaining force in opposite directions with respect to the disposition of the spring-biased dowel and against the respective structural components such that the body is operatively supported to the interior of the vehicle in cantilevered and stationary fashion.

The Present Invention

In contrast to the references of record in this case, the present invention as described in amended independent claim 1 is directed toward a portable tray for use at multiple locations of the interior of a vehicle. The tray includes a body adapted to be operatively supported to the interior of

the vehicle and defines at least one substantially planar work surface. A support mechanism is connected to the body and adapted to removably support the body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. The support mechanism includes a spring-biased dowel adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle and apply a retaining force in opposite directions with respect to the disposition of the spring-biased dowel and against the respective structural components such that the body is operatively supported to the interior of the vehicle in cantilevered and stationary fashion.

Argument

35 U.S.C. § 103(a)

A rejection based on § 103 must rest on a factual basis, with the facts being interpreted without a hindsight reconstruction of the invention from the prior art. Thus, in the context of an analysis under § 103, it is not sufficient merely to identify one reference that teaches several limitations of a claim and another that teaches the other limitations of the claim to support a rejection based on obviousness. This is because obviousness is not established by combining basic disclosures of the prior art to produce the claimed invention absent a teaching or suggestion that the combination be made. Interconnect Planning Corp. v. Fiel, 774 F.2d 1132, 1143, 227 U.S.P.Q. (BNA) 543, 551 (Fed. Cir. 1985); In Re Corkhill, 771 F.2d 1496, 1501 - 02, 226 U.S.P.Q. (BNA) 1005, 1009 - 10 (Fed. Cir. 1985). The relevant analysis invokes a cornerstone principle of U.S. patent law:

That all elements of an invention may have been old (the normal situation), or some old and some new, or all new, is, however, simply irrelevant. Virtually all inventions are combinations, and virtually all are combinations of old elements. Environmental Designs v. Union

Oil Co. of Cal., 713 F.2d 693, 698 (Fed. Cir. 1983) (other citations omitted).

A patentable invention . . . may result even if the inventor has, in effect, merely combined features, old in the art, for their known purpose without producing anything beyond the results inherent in their use. American Hoist & Derek Co. v. Sowa & Sons, Inc., 220 U.S.P.Q. (BNA) 763, 771 (Fed. Cir. 1984) (emphasis in original, other citations omitted).

Here, it is respectfully submitted that modifying the portable desk 10 of the Hansen '586 patent to include the detent mechanisms of the utility board 10 of the Weiss '102 patent does not result in the portable tray for a vehicle interior of the type described in amended independent claim 1. Simply put, the structure and function of the support mechanism of the present invention and its structural relationship with other elements of the present invention and the corresponding elements of the vehicle interior are much different than the structure and function of the detent mechanisms of the utility board 10 of the Weiss '102 patent and its structural relationship with other elements of the utility board 10 and the corresponding elements of the holder 20.

More specifically, the support mechanism of the present invention is connected to the body and adapted to removably support the body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. The support mechanism also includes a spring-biased dowel adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle. The spring-biased dowel is also adapted to apply a retaining force against the respective structural components such that the body is operatively supported to the interior of the vehicle in cantilevered and stationary fashion.

On the other hand, each of the detent mechanisms of the Weiss device is connected to the holder 20, not to the utility board 10. Also, each detent mechanism is urged from the holder 20 (another element of the Weiss device) toward the corresponding side edge of the utility board 10, not from the utility board 10 toward a corresponding structural component of the interior of the vehicle. Furthermore, the spring-pressed balls 37 of the corresponding detent mechanisms are adapted only to impositively hold the utility board 10 in a retracted or extended position with respect to the holder 20 (which is secured to the dashboard D by bolts and screws or thread-forming fasteners 26), not to removably support the utility board 10 to corresponding structural components of the interior of the vehicle such that the utility board 10 can be manually moved and used at various locations within the interior of the vehicle. In addition, each detent mechanism is adapted to be disposed between and in contacting relationship with and, thus, apply a retaining force against the utility board 10 and holder 20, not between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle. Moreover, the detent mechanisms operatively support the utility board 10 to the holder 20 in non-cantilevered fashion, not to the interior of the vehicle in cantilevered fashion.

So, unlike the support mechanism of the present invention, neither detent mechanism of the Weiss device is connected to the utility board 10, nor are the detent mechanisms adapted to removably support the utility board 10 to corresponding structural components of the interior of the vehicle. Also unlike the support mechanism of the present invention, neither detent mechanism of the Weiss device is adapted to be disposed between and in contacting relationship with and, thus, apply a retaining force against a pair of spaced structural components of the interior of the vehicle. Also unlike the support mechanism of the present invention, the detent mechanisms do not operatively support the utility board 10 to the interior of the vehicle in cantilevered fashion. As can be easily seen, then, modifying the portable desk 10 of the Hansen '586 patent to include the detent

mechanisms of the utility board 10 of the Weiss '102 patent does not result in the portable tray for a vehicle interior of the type described in amended independent claim 1.

Also, it is respectfully submitted that one must pick and choose respective elements from the structurally dissimilar devices disclosed in the corresponding Hansen '586 and Weiss '102 patents and combine these elements by restructuring them, using hindsight and applicant's own disclosure, to conclude that the invention of amended claimed 1 is obvious. The applicants respectfully submit that this would be improper in view of the respective disclosures of the prior art. There is a fundamental axiom in U.S. patent law that if a reference must be reconstructed or rearranged to change its operation to meet the applicant's claim, that modification of the reference is inappropriate and cannot stand.

There is simply no motivation provided in either of the Hansen '586 and Weiss '102 patents to combine their respective teachings. Furthermore, even assuming that such a motivation existed, a combination of the Hansen '586 and Weiss '102 patents would require that at least the holder 20 of the Weiss device be eliminated, the detent mechanisms be connected to the utility board 10 (instead of the holder 20), and each spring-pressed ball 37 of the corresponding detent mechanism be urged from the utility board 10 toward a corresponding structural component of the interior of the vehicle (instead of from the holder 20 toward the corresponding side edge of the utility board 10). Further, the mounting brackets 28, 30 of the desk 10 of the Hansen device would have to be eliminated. The applicants respectfully submit that these respective modifications of the Weiss and Hansen devices to change their corresponding operations such that a combination of the devices could meet amended claim 1 is inappropriate and cannot stand.

The deficiencies in the teachings of the Hansen '586 patent are not overcome in the disclosure of the Sammons '202 patent. Thus, none of the references, alone or in combination with

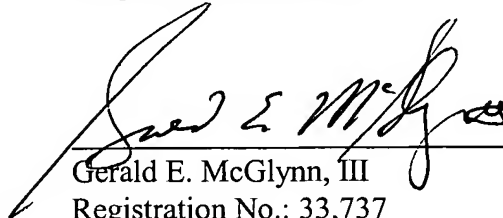
either or both of the other references, discloses or suggests the portable tray for a vehicle interior described in amended claim 1.

The applicants respectfully submit that independent claim 1, as amended, recites structure that is not disclosed or suggested by the prior art and is patentably distinguishable from the subject matter of the references of record in this case. Claims 2 – 3 and 6 - 19 are all ultimately dependent upon independent claim 1 and add further perfecting limitations. As such, the prior-art references, in combination or each reference standing alone, do not suggest the subject invention as defined in these claims. However, even if they did, they could only be applied through hindsight after restructuring the disclosures of the prior art in view of the applicants' invention. A combination of the prior art to derive the applicants' invention would, in and of itself, be an invention.

Conclusion

In view of the above, the applicants respectfully submit that the claims, as amended, clearly distinguish over the prior art and are, therefore, allowable. Accordingly, the applicants respectfully solicit allowance of the claims pending in this case.

Respectfully submitted,



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